

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,

vs.

BRADLEY GRANT KITCHEN, et al.,  
Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT  
CLARKE'S MOTION TO  
PRECLUDE PROFFERED EXPERT  
TESTIMONY AS MOOT

Case No. 2:07-CR-895 TS

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This matter comes before the Court on Defendant Clarke's Motion to Preclude Proffered Expert Testimony. In his Motion, Clarke seeks to preclude the government from offering the testimony of its expert Dottie Burnham.<sup>1</sup> The government has since withdrawn its notice of intent to call Ms. Burnham.

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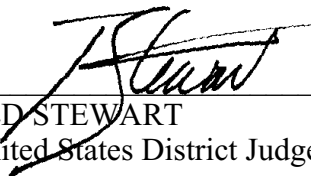
<sup>1</sup>In addition to seeking to preclude Ms. Burnham's testimony, Defendant Clarke objects to the recent disclosure of materials by the government. *See* Docket No. 222. Defendant Clarke has not moved to exclude this evidence at trial. Thus, the Court will limit its discussion in this Motion to Ms. Burnham's testimony.

It is therefore

ORDERED that Defendant Clarke's Motion to Preclude Proffered Expert Testimony  
(Docket No. 223) is DENIED AS MOOT.

DATED August 5, 2008.

BY THE COURT:

  
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TED STEWART  
United States District Judge